

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: January 2, 2020

Judge: Hon. James Donato

Time: 56 Minutes

Case: **MD-17-02801-JD In re Capacitors Antitrust Litigation (No. III)**
C-14-03264-JD In re Capacitors Antitrust Litigation

Attorney(s) for Plaintiff(s): Joseph R. Saveri/Steven N. Williams/Joshua P. Davis/
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Gaspere J. Bono/Robert G. Kidwell/Roberto Finzi/
Claire Maddox/Steven Kaufhold/Jerry R. Goldsmith/
Bonnie Lau/Rowan T. Mason

Deputy Clerk: Lisa R. Clark

Court Reporter: Katherine Sullivan

PROCEEDINGS

Pretrial Conference No. 1 – Held

NOTES AND ORDERS

The Court holds an initial pre-trial conference for the direct purchaser plaintiffs' trial. The next pre-trial conference for the DPPs' trial is set for January 23, 2020, at 1:30 p.m.

The Court discusses with the parties logistics for the trial, which will be set out in a separate pre-trial order.

The parties' jointly proposed pre-trial schedule (MDL Dkt. No. 1047 at 1-2) is approved. For deposition designations, the parties are ordered to exchange opening designations by January 21, 2020; objections and counter-designations by January 28, 2020; and objections to counter-designations by February 4, 2020.

For DPPs' exhibit list, the parties will meet and confer to narrow the list, and raise any remaining issues at a subsequent pre-trial conference.

The Court enlarges the number of permissible motions in limine to twelve per side.

The parties will continue to meet and confer on ELNA's recently-produced product catalogs. In general, any document not previously produced or disclosed will be excluded from trial, barring a very good reason for the non-disclosure.

For defendants' additional document translations and counter-translations, DPPs agree not to object to the timing of the seven that were recently produced by ELNA. For any others that remain to be produced by defendants, the Court advises the parties that it will not view favorably a late-produced flurry of documents containing material differences from the original translations.

For page limits for the parties' trial briefs, the Court approves up to ten pages per side for common issues, with up to 3 supplemental pages for each defendant for issues specific to that defendant. Both sides should file one trial brief each, including the common portion as well as a compilation of any individual add-ons.

The two pending motions that implicate Fifth Amendment issues (MDL Dkt. Nos. 1030, 1045) will be heard on January 23, 2020, at 1:30 p.m. The hearings that were set on those motions for January 9 and January 30, 2020, are vacated.

DPPs may also notice their preliminary approval motion for the KEMET and Shizuki settlements for January 23, 2020, at 1:30 p.m.

Defendants' motion requesting consideration of and decision on KEMET's motion for summary judgment (MDL Dkt. No. 1017) is denied on the basis of KEMET's withdrawal of its summary judgment motion. MDL Dkt. No. 1027.

DPPs need not copy Flextronics or the IPPs on communications with defendants relating to the DPPs' trial.

Corporate representatives need not appear at the final pre-trial conference.